

# SOUTH COAST PLAZA

CRYSTAL COURT TOWN CENTER VILLAGE

September 23, 1996

DOCKET FILE COPY ORIGINAL

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW, Room 222  
Washington, DC 20554

Re: Preemption of Local Zoning Regulation of Satellite Earth Stations, IB Docket  
and Implementation of Section 207 of the Telecommunications Act of 1996,  
CS Docket No. 96-83

Dear Mr. Caton,

Please accept this letter as written comments from South Coast Plaza Expansion in response to the FCC's August 6, 1996 Further Notice of Proposed Rulemaking. The Commission requested comments regarding the effect that a potential federal rule could have on commercial property owners in situations where the viewer does not have exclusive use or control and a direct ownership interest in the property where a satellite antenna is to be installed, used or maintained.

We ask that the FCC refrain from issuing a rule that would restrict the ability of property owners to engage in competitive, free-market negotiations with tenants and telecommunications service providers in making a satellite antennas or other high-tech services accessible to users of commercial property. In our view:

- > An FCC rule is unnecessary. Telecom access and pricing issues are now and should continue to be privately negotiated and settled jointly among tenants, telecom access providers and real estate owners. Property owners, operating in a highly competitive market, are already meeting tenant needs by providing the latest in telecom services. It's a well-functioning, free market process that doesn't need governmental intrusion.
- > An FCC rule would be contrary to congressional intent. When Congress has considered telecom access issues in the past, including the Telecommunications Act of 1996, it rejected proposals that would have required building owners to provide access to a potentially unlimited number of telecom providers.
- > An FCC rule would violate constitutionally protected property rights. If the federal government were to give tenants the right to place satellite antennas on property without the consent or involvement of a property owner, this action would constitute a "taking" of property, which violates rights that are protected by the U.S. Constitution.

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We urge you to consider the detrimental effect that intrusive governmental regulations would have on the free-market process in which owners and providers now participate in securing competitive telecom services for occupants of commercial property. It is a process that we believe Congress fully intended to encourage in approving the Telecommunications Act of 1996 and which we urge the FCC to retain.

As requested, six copies of our comment letter are enclosed. Thank you for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbie Corr". The signature is stylized with a large, looped "D" and a cursive "C".

Debbie Corr  
Operations Manager  
South Coast Plaza Expansion

Enclosure

cc:     Senator Barbara Boxer  
          Senator Dianne Feinstein  
          House of Representative Frank Riggs  
          House of Representative Wally Herger  
          House of Representative Vic Fazio  
          House of Representative John T. Doolittle  
          House of Representative Robert T. Matsui  
          House of Representative Lynn C. Woolsey  
          House of Representative George Miller  
          House of Representative Nancy Pelosi  
          House of Representative Ronald V. Dellums  
          House of Representative Bill Baker  
          House of Representative Richard Pombo  
          House of Representative Tom Lantos  
          House of Representative Fortney "Pete" Stark  
          House of Representative Anna G. Eshoo  
          House of Representative Norm Mineta  
          House of Representative Zoe Lofgren  
          House of Representative Sam Farr  
          House of Representative Gary A. Condit  
          House of Representative George P. Radanovich  
          House of Representative Cal Dooley  
          House of Representative Bill Thomas  
          House of Representative Andrea Seastrand  
          House of Representative Elton Gallegly  
          House of Representative Anthony C. Beilenson

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cc:     House of Representative Howard "Buck" McKeon  
          House of Representative Howard L. Berman  
          House of Representative Carlos J. Moorhead  
          House of Representative David Dreier  
          House of Representative Henry A. Waxman  
          House of Representative Xavier Becerra  
          House of Representative Matthew G. Martinez  
          House of Representative Julian C. Dixon  
          House of Representative Lucille Roybal-Allard  
          House of Representative Esteban E. Torres  
          House of Representative Maxine Waters  
          House of Representative Jane Harman  
          House of Representative Walter R. Tucker  
          House of Representative Steve Horn  
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          House of Representative Sonny Bono  
          House of Representative Dana Rohrabacher  
          House of Representative Robert K. "Bob" Dornan  
          House of Representative Christopher Cox  
          House of Representative Ron Packard  
          House of Representative Brian P. Bilbray  
          House of Representative Bob Filner  
          House of Representative Randy "Duke" Cunningham  
          House of Representative Duncan Hunter